

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sheik L. Tanner-Bey,

Civil No. 15-cv-2339 (DSD/TNL)

Petitioner,

v.

ORDER

Minnesota Department of Correction,

Respondent.

Sheik L. Tanner-Bey, Sherburne County Jail, 13880 Business Center Drive N.W., Elk River, MN 55330 (Petitioner, pro-se); and

Matthew Frank and James B. Early, Minnesota Attorney General's Office, 455 Minnesota Street, Suite 1800, St. Paul, MN 55101; Jean E. Burdorf, Hennepin County Attorney's Office, 300 South Sixth Street, Suite 2000, Minneapolis, MN 55487 (for Respondent).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated June 2, 2015 [Docket No. 5], along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Petitioner Sheik LaQundus Laron Tanner-Bey's petition for a writ of habeas corpus [Docket No. 1] is **DENIED WITHOUT PREJUDICE** for failure to exhaust state remedies.
2. This action is **DISMISSED WITHOUT PREJUDICE**; and
3. Petitioner should **NOT** be granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: July 20, 2015

s/David S. Doty
David S. Doty, Judge
United States District Court